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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

STATE OF ARIZONA,

Plaintiff,

v.

**JOHN ANTHONY SCHNAUBELT (001),**

**REAL POKER LLC, an Arizona Limited  
Liability Corporation (002),**

**DAVID LEE DILETTOSO (003),**

and

**DADDY'S DDTK INC, an Arizona  
Corporation (004),**

Defendants.

Case No:

**85 SGJ 175**

**INDICTMENT**

**CHARGING VIOLATIONS OF:**

**COUNT 1: CONSPIRACY**, a Class 3  
Felony, in violation of A.R.S. § 13-1003  
(All Defendants)

**COUNT 2: ILLEGAL CONDUCT OF AN  
ENTERPRISE**, a Class 3 Felony, in  
violation of A.R.S. § 13-2312 (B)  
(All Defendants)

**COUNT 3: PROMOTION OF  
GAMBLING**, a Class 5 Felony, in violation  
of A.R.S. § 13-3303(A)(1)  
(Defendants 001 and 002 only)

**COUNT 4: PROMOTION OF  
GAMBLING**, a Class 5 Felony, in violation  
of A.R.S. § 13-3303(A)(2)  
(Defendants 003 and 004 only)

**COUNTS 5-11: LIQUOR LICENSE VIOLATIONS**, Class 2 Misdemeanors, in violation of A.R.S. §§ 4-244(26), 4-246 (Defendants 003 and 004 only)

The 85<sup>th</sup> Arizona State Grand Jury accuses **JOHN ANTHONY SCHNAUBELT (001)**, **REAL POKER LLC**, an Arizona Limited Liability Corporation (002), **DAVID LEE DILETTOSO (003)**, and **DADDY'S DDTK INC**, an Arizona Corporation (004), charging on this 19<sup>th</sup> day of August, 2019, that in or from Maricopa County, Arizona:

**COUNT 1**  
**CONSPIRACY**

During a period of time beginning on or about February 17, 2017, and ending on or about January 22, 2019, **JOHN ANTHONY SCHNAUBELT (001)**, **REAL POKER LLC**, an Arizona Limited Liability Corporation (002), **DAVID LEE DILETTOSO (003)**, and **DADDY'S DDTK INC**, an Arizona Corporation (004), with the intent to aid the commission of an offense, did each agree with one or more persons that at least one of them would engage in conduct constituting the offense and one of the parties committed an overt act in furtherance of the offense, in violation of A.R.S. §§ 13-1003, 13-2312(B), 13-3303(A)(1), 4-244 (26), 4-246, 13-3301, 13-3302, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-801, and 13-803.

Said conduct occurred when **JOHN ANTHONY SCHNAUBELT (001)**, **REAL POKER LLC**, an Arizona Limited Liability Corporation (002) by and through the actions of **JOHN ANTHONY SCHNAUBELT (001)**, **DAVID LEE DILETTOSO (003)**, and **DADDY'S DDTK INC**, an Arizona Corporation (004) by and through the actions of **DAVID LEE DILETTOSO (003)**, with the intent to aid the commission of an offense, did each agree with one or more persons that at least one of them would engage in conduct constituting the offense and one of the parties committed an overt act in

furtherance of the offense, namely **ILLEGAL CONDUCT OF AN ENTERPRISE** and **PROMOTION OF GAMBLING**, by conspiring to host poker gambling at Toso's Sports Bar & Grill, located at 2401 W. Union Hills Road, Phoenix, Arizona.

**COUNT 2**

**ILLEGAL CONDUCT OF AN ENTERPRISE**

During a period of time beginning on or about February 17, 2017, and ending on or about January 22, 2019, **JOHN ANTHONY SCHNAUBELT (001)**, **REAL POKER LLC**, an Arizona Limited Liability Corporation (002), **DAVID LEE DILETTOSO (003)**, and **DADDY'S DDTK INC**, an Arizona Corporation (004), were employed by or associated with an enterprise and conducted such enterprise's affairs through racketeering, or participated directly or indirectly in the conduct of any enterprise that they knew was being conducted through racketeering, in violation of A.R.S. §§13-2312(B), 13-2301, 4-244(26), 4-246, 13-3301, 13-3302, 13-3303, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-801 and 13-803.

Said conduct occurred when the defendants participated directly or indirectly in the conduct of Real Poker, which was engaged in **PROMOTION OF GAMBLING**.

**JOHN ANTHONY SCHNAUBELT (001)** co-owned, conducted, organized, and managed the poker gambling operation conducted at 2401 W. Union Hills Road, Phoenix, Arizona.

**REAL POKER LLC**, an Arizona Limited Liability Corporation (002) by and through the actions of **JOHN ANTHONY SCHNAUBELT (001)**, was the corporate entity used to operate the poker gambling operation conducted at 2401 W. Union Hills Road, Phoenix, Arizona.

**DAVID LEE DILETTOSO (003)** was associated with and provided **JOHN ANTHONY SCHNAUBELT (001)** and **REAL POKER LLC**, an Arizona Limited

**Liability Corporation (002)** with access to the premises located 2401 W. Union Hills Road, Phoenix, Arizona, for the purpose of conducting poker games.

**DADDY'S DDTK INC, an Arizona Corporation (004)** by and through the actions of **DAVID LEE DILETTOSO (003)**, furnished assistance to the poker gambling operation by making its premises at 2401 W. Union Hills Road, Phoenix, Arizona available to **JOHN ANTHONY SCHNAUBELT (001)** and **REAL POKER LLC, an Arizona Limited Liability Corporation (002)**.

### **COUNT 3**

#### **PROMOTION OF GAMBLING**

During a period of time beginning on or about June 26, 2018 and ending on or about January 22, 2019, **JOHN ANTHONY SCHNAUBELT (001)**, and **REAL POKER LLC, an Arizona Limited Liability Corporation (002)**, by and through the actions of **JOHN ANTHONY SCHNAUBELT (001)**, knowingly conducted, organized, managed, directed, supervised and financed gambling for a benefit, in violation of A.R.S. §§ 13-3303(A)(1), 13-3301, 13-3302, 13-301, 13-302, 13-303, 13-304, 13-304, 13-305, 13-306, 13-701, 13-702, 13-801, and 13-803.

Said conduct occurred when **JOHN ANTHONY SCHNAUBELT (001)**, both in his personal capacity and utilizing the corporate entity **REAL POKER LLC, an Arizona Limited Liability Corporation (002)**, operated poker games for a benefit at 2401 W. Union Hills Road, Phoenix, Arizona.

### **COUNT 4**

#### **PROMOTION OF GAMBLING**

During a period of time beginning on or about June 26, 2018 and ending on or about January 22, 2019, **DAVID LEE DILETTOSO (003)**, and **DADDY'S DDTK INC, an Arizona Corporation (004)**, by and through the actions of **DAVID LEE**

**DILETTOSO (003)**, knowingly furnished assistance for the conduct of gambling for a benefit, in violation of A.R.S. §§ 13-3303(A)(2), 13-3301, 13-3302, 13-301, 13-302, 13-303, 13-304, 13-304, 13-305, 13-306, 13-701, 13-702, 13-801, and 13-803.

Said conduct occurred when **DAVID LEE DILETTOSO (003)**, both in his personal capacity and utilizing the corporate entity **DADDY'S DDTK INC, an Arizona Corporation (004)** provided a physical location for the poker games operated by **JOHN ANTHONY SCHNAUBELT (001)**, and **REAL POKER LLC, an Arizona Limited Liability Corporation (002)**.

#### COUNT 5

#### LIQUOR LICENSE VIOLATION

On or about August 25, 2018, **DAVID LEE DILETTOSO (003)** and **DADDY'S DDTK INC, an Arizona Corporation (004)**, while possessing a liquor license, did knowingly permit unlawful gambling at the licensed premises ~~eleven~~<sup>nine</sup> times, in violation of A.R.S. §§ 4-244(26), 4-246, 4-101, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-707, 13-802, and 13-803.

Said conduct occurred when **DAVID LEE DILETTOSO (003)** and **DADDY'S DDTK INC, an Arizona Corporation (004)** by and through the actions of **DAVID LEE DILETTOSO (003)**, while possessing liquor license 06070047, did knowingly permit gambling to take place at the licensed premises, 2401 W. Union Hills Road, Phoenix, Arizona.

#### COUNT 6

#### LIQUOR LICENSE VIOLATION

On or about September 18, 2018, **DAVID LEE DILETTOSO (003)** and **DADDY'S DDTK INC, an Arizona Corporation (004)**, while possessing a liquor license, did knowingly permit unlawful gambling at the licensed premises ~~eleven~~<sup>nine</sup> times,

in violation of A.R.S. §§ 4-244(26), 4-246, 4-101, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-707, 13-802, and 13-803.

Said conduct occurred when **DAVID LEE DILETTOSO (003)** and **DADDY'S DDTK INC, an Arizona Corporation (004)** by and through the actions of **DAVID LEE DILETTOSO (003)**, while possessing liquor license 06070047, did knowingly permit gambling to take place at the licensed premises, 2401 W. Union Hills Road, Phoenix, Arizona.

#### COUNT 7

#### LIQUOR LICENSE VIOLATION

On or about October 6, 2018, **DAVID LEE DILETTOSO (003)** and **DADDY'S DDTK INC, an Arizona Corporation (004)**, while possessing a liquor license, did knowingly permit unlawful gambling at the licensed premises ~~eleven times~~ <sup>11 times</sup>, in violation of A.R.S. §§ 4-244(26), 4-246, 4-101, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-707, 13-802, and 13-803.

Said conduct occurred when **DAVID LEE DILETTOSO (003)** and **DADDY'S DDTK INC, an Arizona Corporation (004)** by and through the actions of **DAVID LEE DILETTOSO (003)**, while possessing liquor license 06070047, did knowingly permit gambling to take place at the licensed premises, 2401 W. Union Hills Road, Phoenix, Arizona.

#### COUNT 8

#### LIQUOR LICENSE VIOLATION

On or about October 16, 2018, **DAVID LEE DILETTOSO (003)** and **DADDY'S DDTK INC, an Arizona Corporation (004)**, while possessing a liquor license, did knowingly permit unlawful gambling at the licensed premises ~~eleven times~~ <sup>11 times</sup>, in violation

of A.R.S. §§ 4-244(26), 4-246, 4-101, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-707, 13-802, and 13-803.

Said conduct occurred when **DAVID LEE DILETTOSO (003)** and **DADDY'S DDTK INC, an Arizona Corporation (004)** by and through the actions of **DAVID LEE DILETTOSO (003)**, while possessing liquor license 06070047, did knowingly permit gambling to take place at the licensed premises, 2401 W. Union Hills Road, Phoenix, Arizona.

#### COUNT 9

#### LIQUOR LICENSE VIOLATION

On or about October 30, 2018, **DAVID LEE DILETTOSO (003)** and **DADDY'S DDTK INC, an Arizona Corporation (004)**, while possessing a liquor license, did knowingly permit unlawful gambling at the licensed premises ~~eleven times~~<sup>10 Lfe</sup>, in violation of A.R.S. §§ 4-244(26), 4-246, 4-101, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-707, 13-802, and 13-803.

Said conduct occurred when **DAVID LEE DILETTOSO (003)** and **DADDY'S DDTK INC, an Arizona Corporation (004)** by and through the actions of **DAVID LEE DILETTOSO (003)**, while possessing liquor license 06070047, did knowingly permit gambling to take place at the licensed premises, 2401 W. Union Hills Road, Phoenix, Arizona.

#### COUNT 10

#### LIQUOR LICENSE VIOLATION

On or about November 27, 2018, **DAVID LEE DILETTOSO (003)** and **DADDY'S DDTK INC, an Arizona Corporation (004)**, while possessing a liquor license, did knowingly permit unlawful gambling at the licensed premises ~~eleven times~~<sup>11 E</sup>,

in violation of A.R.S. §§ 4-244(26), 4-246, 4-101, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-707, 13-802, and 13-803.

Said conduct occurred when **DAVID LEE DILETTOSO (003)** and **DADDY'S DDTK INC, an Arizona Corporation (004)** by and through the actions of **DAVID LEE DILETTOSO (003)**, while possessing liquor license 06070047, did knowingly permit gambling to take place at the licensed premises, 2401 W. Union Hills Road, Phoenix, Arizona.

### COUNT 11

#### LIQUOR LICENSE VIOLATION

On or about January 15, 2019, **DAVID LEE DILETTOSO (003)** and **DADDY'S DDTK INC, an Arizona Corporation (004)**, while possessing a liquor license, did knowingly permit unlawful gambling at the licensed premises ~~eleven times~~ <sup>7047</sup>, in violation of A.R.S. §§ 4-244(26), 4-246, 4-101, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-707, 13-802, and 13-803.

Said conduct occurred when **DAVID LEE DILETTOSO (003)** and **DADDY'S DDTK INC, an Arizona Corporation (004)** by and through the actions of **DAVID LEE DILETTOSO (003)**, while possessing liquor license 06070047, did knowingly permit gambling to take place at the licensed premises, 2401 W. Union Hills Road, Phoenix, Arizona.

The 85<sup>th</sup> Arizona State Grand Jury makes the following findings:

A. That at all times relevant to this indictment, Defendant **REAL POKER LLC, an Arizona Limited Liability Corporation (002)**, was a limited liability company duly organized under the laws of the State of Arizona and doing business in Arizona under the same name.

B. That at all times relevant to this Indictment, Defendant **JOHN ANTHONY SCHNAUBELT (001)**, was a high managerial agent of **REAL POKER LLC, an Arizona Limited Liability Corporation (002)** and the conduct attributed to **REAL POKER LLC, an Arizona Limited Liability Corporation (002)** herein was authorized, solicited, commanded or recklessly tolerated by **JOHN ANTHONY SCHNAUBELT (001)** within the scope of his employment.

C. That at all times relevant to this indictment, Defendant **DADDY'S DDTK INC, an Arizona Corporation (004)**, was a corporation duly organized under the laws of the State of Arizona and doing business in Arizona under the name "Toso's Sports Bar & Grill."

D. That at all times relevant to this Indictment, Defendant **DAVID LEE DILETTOSO (003)**, was a high managerial agent of **DADDY'S DDTK INC, an Arizona Corporation (004)** and the conduct attributed to **DADDY'S DDTK INC, an Arizona Corporation (004)** herein was authorized, solicited, commanded or recklessly tolerated by **DAVID LEE DILETTOSO (003)** within the scope of his employment.

E. That, pursuant to A.R.S. § 21-425, the offenses described above were committed in Maricopa County, Arizona.

A True Bill  
(A "True Bill")

MARK BRNOVICH  
ATTORNEY GENERAL  
STATE OF ARIZONA

Dated: 8-19-19

T.C.J.  
TODD C. LAWSON  
Assistant Attorney General  
#7938792v2

Rw  
Foreperson of the State Grand Jury